

(b) Whenever the City Manager proposes to demote, suspend, reduce in pay, or discharge a regular employee in a case in which this section is applicable, the City Manager shall conduct an informal conference at which the employee shall have the right to respond to the charges. The City Manager shall provide the employee with written notice of the conference not less than 5 days prior thereto.

The notice shall state the nature of the proposed disciplinary action and the reasons therefor. The notice shall also include a copy of the charges and materials upon which the proposed action is based.

(c) At the conference, the employee shall have the right to present an oral or written response to the proposed action. Thereafter, the City Manager shall determine, based upon such response and the materials upon which the proposed action was based, whether to impose the action initially imposed, lesser action, or to take no action. The City Manager shall promptly notify the employee in writing of such decision.

(d) If, prior to the conference, the employee presents to the City Manager a written request that the City Manager be disqualified from conducting the conference, the City Manager shall assign a designee having no supervisory control over the employee to conduct the conference. At the conclusion of the conference, the conference officer shall recommend to the City Manager the disciplinary action to be taken, if any, and the City Manager shall determine the action to be taken and promptly notify the employee in writing of such decision.

Section 24. Suspension

Section 24.1 Suspensions Without Pay

An employee in a classification of employment set forth in Appendix "A" hereto may be suspended without pay for a disciplinary purpose.

(a) A department head shall have the power to suspend a non-FLSA-exempt subordinate employee without pay for not more than 5 workdays. The department head shall immediately notify the City Manager of the suspension in writing. The City Manager shall have the power to rescind, extend, or reduce the suspension.

(b) The City Manager shall have the power to suspend a subordinate employee for an amount of time the City Manager deems appropriate.

(c) It is the intent of this section to allocate to the department head the power to impose minor suspensions without the approval of the City Manager, but with immediate notice to the Manager, to enable the department head to take immediate action to remedy employee misconduct which may pose an immediate threat to the health, safety, or welfare of other employees or to the public at large.

Section 24.2 Administrative Leave

An immediate supervisor, a department head, or the City Manager shall have the power to place a subordinate employee on administrative leave with pay pending investigation of a matter in which an employee may be involved which may lead to disciplinary action against that employee, or pending consideration of possible disciplinary action against the employee, or where such employee's continued presence would, in the judgment of the supervisor, department head, or City Manager, jeopardize the health or safety of the employee or others. An immediate supervisor placing an employee on such leave shall immediately notify the department head who shall immediately notify the City Manager in writing. The department head or City Manager may terminate such administrative leave with pay. A department head implementing such administrative leave with pay shall immediately notify the City Manager in writing. The City Manager shall have the power to rescind the action placing the employee on administrative leave with pay, extend the duration of the leave, or reduce the duration of the leave.

Section 25. Grievances

(a) Definition. A grievance shall be defined as any dispute which involves the interpretation or application of any provision of this Memorandum of Understanding during its term, excluding the following:

(1) All ordinances, resolutions, rules and regulations, the subject of which is not specifically covered by the provisions of this Memorandum of Understanding.

(2) Any disciplinary action taken against any employee within the bargaining unit, including, but not limited to discharge, demotion, suspension, reduction in pay, and oral and written reprimand.

(3) Any provision of this Memorandum of Understanding which specifically states that its operation shall not be subject to the grievance procedure.

(b) Procedure. Grievances shall be processed in the following manner only:

(1) Initial presentation. The initial (first-level) presentation of a grievance shall be to the immediate supervisor of the employee claiming to have a grievance. The grievance may be either oral or in writing. If made in writing, the grievance shall comply with the requirement of subsection (2) for a formally presented grievance.

(2) Formal presentation. The formal presentation of a grievance shall